

REMARKS

Claim Rejections – 35 U.S.C. § 102

Please reconsider the application in view of the remarks set out below.

Claims 37-42 and 44-55 are pending.

Claims 37-42, 55 are currently amended.

Claims 44-54 have been allowed.

Claim 43 has been canceled.

Claims 37-43 and 55 are rejected under 35 U.S.C. 102(b) as being anticipated by Rhodes et al. (U.S. Patent 5,401,512), (“Rhodes”).

The Examiner has not given patentable weight to the “wherein” clause, “because a ‘wherein’ clause that merely states the result of the limitations in the claim adds nothing to the patentability or substance of the claim” (Office Action, Page 2).

In response, Applicants have amended Claim 37 to clarify that an implantable device is patentably or substantively part of Claim 37. Please reconsider arguments presented below in light of this amendment.

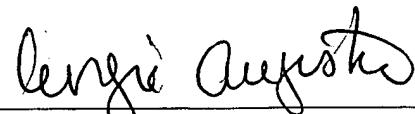
Amended Claim 37 now recites, **“A drug delivery coating on an implantable substrate...”**

Rhodes fails to teach or suggest that the **“A drug delivery coating on an implantable substrate...”** as recited by Amended Claim 37. Rather, Rhodes discloses “an orally administrable formulation for selectively administering the drug to the large intestine” (Column 1, line 44-46). Since Rhodes fails to teach or suggest all the limitations of Claim 37, Claim 37 and dependent Claims 38-42 and 55, are in condition for allowance.

CONCLUSION

Claims 37-42 and 44-55 are pending in this application. Claims 44-54 have been allowed. Claims 37-42 and 55 are now in condition for allowance. Applicant respectfully requests the Examiner to enter the foregoing amendments and issue a Notice of Allowability. If I can be of any help in any way, please contact me.

Respectfully submitted,



Angie M. Augustus
Attorney for Applicant
Reg. No. 51,421

Date: May 8, 2006

Squire, Sanders & Dempsey L.L.P.
One Maritime Plaza
Suite 300
San Francisco, CA 94111
Facsimile (415) 393-9887
Telephone (415) 954-0200